

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

-----X
TOUGH CITY, INC. and SAMIR RAJPUT,

Plaintiffs,

v.

XENS, INC.,

Defendant.
-----X

Civil Action 07 Civ. 06626 (NRB)

CLERK'S CERTIFICATE

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on July 24, 2007 with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant by serving Xens, Inc., by personally serving Robert Lee, President of the defendant corporation, and proof of such service thereof was filed on ^{11/06/07 DC} September 6, 2007.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is duly noted.

White Plains
Dated: New York, New York
August 15, 2008

J. MICHAEL MCMAHON
Clerk of the Court

By: 
Deputy Clerk